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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JOHNSON et al.	Examiner:	Garcia, G.
Serial No.:	09/550,219	Group Art Unit:	2624
Filed:	April 17, 2000	Docket No.:	BLD920000003US1 (IBMN.009-0519)
Title:	METHOD AND APPARATUS FOR PROCESSING PRINT JOBS VIA PARALLEL SPOOLING AND DESPOOLING OPERATIONS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 30, 2007.

By:

David W. Lynch

REQUEST FOR REFUND ACCORDING TO 37 C.F.R. § 1.26

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants received an Office Action dated September 6, 2005. The Office Action indicated on the Summary Sheet PTOL-326 that the Office Action was non-final.

The Office Action did not include a clear and unequivocal statement that the rejections were made final because the page of the Office Action, i.e., Summary Sheet PTOL-326, indicated that the Office Action was non-final because the box in paragraph 2b included a typewritten "X" indicating the action is non-final. The box paragraph 2a contained no marking, handwritten, typewritten or otherwise.

Believing the status of the Office Action to be non-final, Petitioner submitted a response dated December 6, 2005. After expiration of the six-month statutory period for response, Petitioner received an Advisory Action refusing to enter the amendments and for the first time unequivocally indicating that the Office Action of September 6, 2005 was in fact final.


Believing that the holding of abandonment was not proper, Petitioner filed a Petition to Withdraw the Holding of Abandonment, along with a Request for Continued Examination and preliminary amendment, on March 30, 2006.

Accordingly, the Office Action dated September 6, 2005 did not include a clear and unequivocal statement that the rejections were made final, and the fee for the Petition should be refunded in view of the events described above.

Please contact the undersigned directly should there be any remaining questions or issues that can be addressed over the telephone.

Chambliss, Bahner and Stophel
1000 Tallan Building
Two Union Square
Chattanooga, TN 37402
423-757-0264

Respectfully submitted,

By: 
Name: David W. Lynch
Reg. No.: 36,204